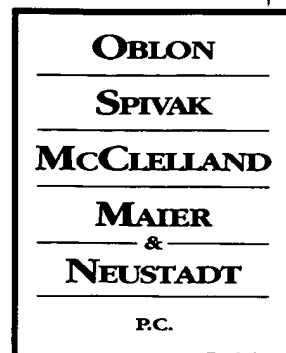


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Docket No.: 206732US0

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

RE: Application Serial No.: 09/848,318

Applicants: Kengo OKAJIMA

Filing Date: May 4, 2001

For: PROCESS FOR THE PURIFICATION OF  
INORGANIC SALT CONTAINING ORGANIC  
MATERIAL AND PURIFIED SALT FOR  
ELECTROLYSIS OF SODIUM CHLORIDE

Group Art Unit: 1754

Examiner: NGUYEN

SIR:

Attached hereto for filing are the following papers:

**Response to Restriction Requirement**

Our check in the amount of \_\_\_\_\_ is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

  
Norman F. Oblon

Registration No. 24,618

Customer Number

**22850**

(703) 413-3000 (phone)  
(703) 413-2220 (fax)

John D. Dellinger  
Registration No. 50,436

DOCKET NO: 206732US0



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
KENGO OKAJIMA : EXAMINER: NGUYEN, N. Y. M.  
SERIAL NO: 09/848,318 :  
FILED: MAY 4, 2001 : GROUP ART UNIT: 1754  
FOR: PROCESS FOR THE :  
PURIFICATION OF INORGANIC SALT  
CONTAINING ORGANIC MATERIAL  
AND PURIFIED SALT FOR  
ELECTROLYSIS OF SODIUM CHLORIDE

RESPONSE TO RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

Responsive to the Restriction Requirement dated January 30, 2004, Applicants respectfully elect, with traverse, Group I, Claims 1-13 and 15-28. Additionally, Applicants elect, for examination purposes only, the species of chloride of sodium, as disclosed in the present specification on page 10, line 18. Corresponding claims are Claims 1-13 and 15-28.

REMARKS

The Office Action as issued required restriction between Claims 1-3 and 15-28 (drawn to a process for the purification of an inorganic salt containing an organic material, classified in class 423, subclass 462+) and Claims 14 and 29 (drawn to a purified salt, classified in class 423, subclass 499.4+). It was noticed that Claims 4 -14 were absent from the presented groups. On October 20, 2003, during a telephone conversation, Examiner

stated that Claims 4 through 13 belong to Group I. Thus the correct groups are Group I, including Claims 1-13 and 15-28, and Group II, including Claims 14 and 29.

The Restriction Requirement is respectfully traversed because the Office has not met its burden of establishing that the inventions of Groups I and II are distinct, and because the Office has not established that searching the entire application would impose a serious burden.

The Office has not established that the inventions of Group I and Group II are distinct.

MPEP §806.05(f) states:

A process of making and a product made can be shown to be distinct inventions if either or both of the following can be shown: (A) that the process as claimed is not an obvious process of making the product and the process as claimed can be used to make other and different products; or (B) that the product as claimed can be made by another and materially different process.

The Examiner suggests that the product as claimed in Group II can be made by another and materially different process such as by reacting two pure reactants to form a pure salt. The Examiner, however, does not offer any support for this suggested different process. In the absence of support for the suggested alternative process, Applicants respectfully submit that the inventions of Group I and II are not distinct.

Further, even if the claims of Group I and II are distinct, the Office has not established that searching the entire application would impose a serious burden. MPEP §803 states:

If the search and examination of an entire application can be made without a **serious** burden, the Examiner **must** examine it on the merits, even though it includes claims to distinct or independent inventions. (Emphasis added).

Applicants respectfully submit that a search of all the claims would not impose a serious burden on the Office. Notably, the purified salts of Group II are prepared by the processes of Group I. Thus, the search for Group I considerably overlaps with that for Group II. No serious burden is imposed.

Regarding the election of species requirement, it is noted that the Examiner should examine the entire claim, restricting the examination to the elected species and reasonable additional species only if art is found rendering the broad claim unpatentable.

For the reasons set forth above, Applicants respectfully submit that the Restriction Requirement is improper, and respectfully request that it be withdrawn.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice of such action is earnestly solicited.

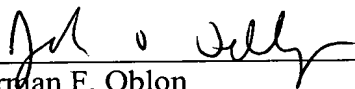
Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Customer Number

**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 08/03)  
NFO/JDD/cja

  
\_\_\_\_\_  
Norman F. Oblon  
Attorney of Record  
Registration No. 24,618

John D. Dellinger  
Registration No. 50,436